

FILED

SEP 21 2006

**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

STEVIE LAMAR FIELDS,

Petitioner - Appellant,

V.

JILL BROWN,* Warden, of California
State Prison at San Quentin,

Respondent - Appellee.

No. 00-99005

D.C. No. CV-92-00465-DT

STEVIE LAMAR FIELDS,

Petitioner - Appellee,

V.

JILL BROWN,* Warden, of California
State Prison at San Quentin,

Respondent - Appellant.

No. 00-99006

D.C. No. CV-92-00465-DT

ORDER

Before: SCHROEDER, Chief Judge.

Upon the vote of a majority of nonrecused regular active judges of this court,** it is ordered that this case be reheard by the en banc court pursuant to

Circuit Rule 35-3. The three-judge panel opinion shall not be cited as precedent by or to this court or any district court of the Ninth Circuit, except to the extent adopted by the en banc court.

*Jill Brown is substituted for her predecessor, Jeanne S. Woodford, as Warden of California State Prison at San Quentin. *See* Fed. R. App. P. 43(c)(2).

**Judge Ikuta is recused.